

REMARKS

Reconsideration of the application is requested in view of the remarks below. Applicants acknowledge the allowance of Claims 1, 2, 4 and 5. Claim 13 has been added. Applicants have modified Claims 10 and 11. The undersigned appreciates the Examiner's suggestions. Applicants are enclosing copies of documents describing the well-known DIN 53333 and DIN 53338 tests discussed in the Office Action.

A. Rejection Under 35 USC 112, second paragraph

The Office Action rejected Claim 6 under 35 USC 112, second paragraph, on the grounds that the term "DIN 53333" was unclear. The Application should be withdrawn.

Claim 6 encompasses a chromium-free leather according to Claim 1, which has a water vapour permeability that is "measured according to DIN 53333, is greater than 0.8 mg/cm²h." The phrase "DIN 53333" Page 4 of the specification expressly provides support for this test. DIN 53338 and DIN 53333 are two different tests, and the dimensions of the results of the tests are also different (minutes vs mg/cm²h). Claim 1, from which Claim 6 depends on, requires a special water-proofness according to DIN 53338 of at least 30 minutes. Claim 6, in addition to meeting the requirements of Claim 1 also requires that the leather have at least a water vapor permeability according to DIN 53333 of greater than 0.8 mg/cm²h. Applicants are enclosing copies of documents that describe these tests.

35 USC 112, second paragraph, essentially requires precision and definiteness of claim language. *In re Borkowski*, 164 USPQ 642 (CCPA 1970). If the scope of the subject matter embraced by the claim is clear, and if applicant has not otherwise indicated that he intends that claim to be a different scope, then the claim does particularly point out and distinctly claim the subject matter which the applicant regards as his invention. *In re Borkowski* at 645-646.

In view of the remarks above and the copies of the respective tests, Applicants submit that Claim 6 complies with 35 USC 112, second paragraph. The scope of the subject matter embraced by Claim 6 is clear. Claim 6 particularly

CH7867

points out and distinctly claims the subject matter which the Applicants regards their invention. Reconsideration is requested.

B. Rejection of Claim 10 under 35 USC 112, second paragraph

The Office Action rejected Claim 10 under 35 USC 112, second paragraph, on the grounds that the Claim was unclear as to how the recited process produces the leather of Claim 1. In view of the modifications above, the rejection is believed overcome. Reconsideration is requested.

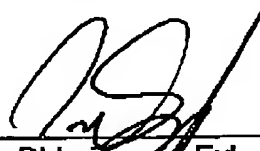
C. Rejection of Claim 11 under 35 USC 112, second paragraph

The Office Action rejected Claim 11 under 35 USC 112, second paragraph. In view of the modifications above, the rejection is believed overcome. Reconsideration is requested.

In view of the above amendments and remarks, Applicants earnestly request the allowance of all pending Claims.

Respectfully submitted,

By



Diderico van Eyl
Attorney for Applicants
Reg. No. 38,641

LANXESS Corporation
111 RIDC Park West Drive
Pittsburgh, Pennsylvania 15275-1112
(412) 809-2231
FACSIMILE PHONE NUMBER:
(412) 809-1054

/jme
S:\Law Shared\SHARED\DOVE\PATENTS\7867\8-4-05 Response.doc

CH7867

- 5 -